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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,692

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EXAMINER

PATEL, RITA RAMESH

ART UNIT

PAPER NUMBER

1792

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10/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,692	Applicant(s) IKEMIZU ET AL.	
	Examiner RITA R. PATEL	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :1/13/06; 11/15/06; 1/18/07; 8/15/07.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified documents filed are JAPAN 2003-206684 and JAPAN 2003-978009.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "first water" and "second water" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "first water" and "second water" and not described in the specification with corresponding numeral reference values.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 recites the limitation "first water" and "second water" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Pastryk et al. herein referred to as "Pastryk" (Patent No. 5,345,637).

Pastryk teaches a washing machine 20 having pre-settable control means for operating washing, rinsing, and extracting functions, in combination with cycle selector 33; these functions are consumer selectable. Therein is a dispenser arrangement 72, for dispensing detergent, rinse additives, and/or bleach. Wash liquid is sprayed onto fabrics by a spray nozzle 86.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2-4, 6-8, and 11-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pastryk as applied to claim 1 above, and further in view of Tejada (Patent No. 3,869,382).

Pastryk teaches the claimed washing machine, but is silent regarding an ion exchange material used therein. Tejada teaches a water softening apparatus using ion exchange material and electrodes which may be made of silver (col. 6, lines 57-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to use this silver ion and electrode feature of Tejada in the invention of Pastryk, since it is known in the art to use water softeners in household appliances, such as washing machines (Tejada: col., 3, lines 25-26). In the Tejada reference, the water inlet and outlet are illustrated as a one dimensional illustration, thus it is unclear the position of the outflow port, however, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the outlet formed at a position downhill and lower than that of the electrode to facilitate outlet flow. Moreover, it would have been obvious to one of ordinary skill in the art at the time of the invention to duplicate outlets such that there exists a second outflow located at a position higher than the electrode, therefore ensuring that the electrode is fully submerged in fluid and thus, optimally utilizing the electrode. It is well settled that the mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 124 USPQ 378 (CCPA 1960).

The washing machine of Pastryk is conventional and has known washing, rinsing, and extracting functions, it is fully capable of having the rinse cycle repeated.

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It is well settled that the intended use of a claimed apparatus is not germane to the issue of the patentability of the claimed structure. If the prior art structure is capable of performing the claimed use then it meets the claim. *In re Casey*, 152 USPQ 235, 238 (CCPA 1967); *In re Otto*, 136 USPA 459 (CPA 1963). The controller of Pastryk is pre-settable and thus reads on Applicant's claim combinations for various control functions, since Pastryk is fully capable of being pre-settable to perform the claimed washing functions.

Furthermore, it is obvious to optimize the amount of silver metal used in the water to achieve the greatest efficiency, and avoid waste of materials. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Pastryk teaches a drain valve 83 (drain valve) which is controllably opened/closed.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pastryk as applied to claims above, and further in view of Obata et al. (Patent No. 5,029,458).

Pastryk teaches the claimed invention but fails to teach the claimed shower emitted having a vibrator that atomizes by vibration the water fed thereto. However, Obata teaches a washing machine spraying water in the form of a shower/atomized mist (Col. 10, lines 42-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine this feature of Obata to Pastryk since it is a known and beneficial way of supplying fluid, resulting in even distribution and mixing.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pastryk further in view of Tejeda and Obata.

Pastryk and Tejeda teach the claimed invention, except fail to teach the washing machine having drying functions. However, combination washer-dryers are well known in the art. Having a single machine for performing both the washing and drying is desirable in saving space, time, and added convenience since the user does not having to move clothes between machines, etc. Obata teaches a combination washer-dryer having a rotating tub therein, thus it would have been obvious to one of ordinary skill in the art at the time of the invention to have this feature added in Pastryk-Tejeda for these known benefits.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Borochaner (Patent No. 3,680,703) teaches a water-softening and regeneration process for a washing machine, including an ion-exchange chamber.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RITA R. PATEL whose telephone number is (571)272-8701. The examiner can normally be reached on M-F: 9-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art
Unit 1792

/Rita R. Patel/
Examiner, Art Unit 1792